

access is a regulatory policy which requires transmission owners to make their transmission facilities available for the transmission of electric energy by third parties. Therefore, while the TEP international facilities could be utilized for potential future electricity exports to Mexico, the source of those future electric energy exports might not necessarily be TEP.

TEP would initially use the two proposed fiber optic cables contained within the two neutral ground wires for supervision and operation of the transmission line and connected substations.

#### **FEDERAL AGENCIES' PURPOSE AND NEED AND AUTHORIZING ACTIONS**

TEP needs approvals from DOE, USFS, BLM, USIBWC, and other Federal, state, and local agencies to implement various aspects of the proposed project. Because DOE, USFS, BLM, and USIBWC must all act and, because their actions are interrelated, they have agreed to cooperate in preparing this EIS. The Final EIS will be used by DOE and cooperating agency officials to ensure that they have the information needed for purposes of informed decisionmaking. The decisions themselves are issued subsequent to the Final EIS, in the form of a ROD, or a letter of concurrence in the case of USIBWC.

**DOE.** The purpose and need for DOE action is to determine whether it is in the public interest to grant or deny a Presidential Permit to TEP for the construction, operation, maintenance, and connection of the proposed 345-kV transmission line that would cross the U.S. international border. Notice of receipt of the Application for a Presidential Permit was published in the *Federal Register* (FR) on September 20, 2000 (65 FR 56875). DOE's action is in response to the applicant's request for a Presidential Permit. Like all Federal agencies, DOE must comply with NEPA and, in this instance, has agreed to be the lead Federal agency for NEPA compliance.

In determining whether a proposed action is in the public interest, DOE considers the impact of the proposed project on the environment and on the reliability of the U.S. electric power supply system. DOE also must obtain the concurrence of the Departments of State and Defense before it may grant a Presidential Permit. If DOE determines that granting a Presidential Permit is in the public interest, the information contained in the EIS will provide a basis upon which DOE decides which alternative(s) and mitigation measures are appropriate for inclusion as conditions of the permit. In a process that is separate from NEPA, DOE will determine whether the proposed project will adversely impact the reliability of the U.S. electric system. Also, before authorizing exports to Mexico over the proposed 345-kV facilities, DOE must ensure that the export will not impair sufficiency of supply within the United States and will not impede, or tend to impede, the coordinated use of the regional transmission system. Issuance of a Presidential Permit only indicates that DOE has no objection to the project, but does not mandate that the project be completed.

**USFS.** USFS has provided its purpose and need as follows:

The purpose and need for USFS action is to determine whether the proposed 345-kV transmission line development is appropriate within the Tumacacori Ecosystem Management Area (EMA) of the Coronado National Forest, and thus whether to issue a special use permit. If line development is appropriate, USFS would work with TEP to decide the site-specific location for the line and support structures, mitigation measures and best management practices to be implemented to reduce environmental effects, permit issuance terms and conditions, and pre- and post-construction reporting and monitoring.

USFS has received from TEP an application to cross certain Federal lands managed by USFS with a 345-kV transmission line. The NEPA analysis (EIS) must be adequate for use by the Forest Supervisor in issuing a special use permit for the project. The *Federal Land Policy and Management Act* of 1976 (FLPMA) is the appropriate authority for the authorization (FSM

2701.1-15[a][4]). The first step in the permit process was accomplished on April 20, 2000, when TEP submitted an application to USFS. A separate special-use permit would be required for any fiber optic line use that is not internal to TEP operations.

When an adequate analysis within the EIS is complete, USFS will issue a ROD disclosing its decision with regard to approval or denial of the special use permit application. The ROD will contain administrative appeal rights for exercise by those who believe the decision in the ROD is somehow in violation of law, regulation, or policy. USFS must complete the administrative review process prior to implementing the decision documented in the ROD.

A *Coronado National Forest Land and Resource Management Plan* (Forest Plan) amendment would be needed for any of the three action alternatives. The amendment process would have to be complete before implementation of the proposed project.

**BLM.** BLM has provided its purpose and need as follows:

The purpose and need for BLM action is to determine whether to approve an electrical transmission line ROW and a fiber optic ROW in accordance with the FLPMA. Because each of the corridor alternatives cross Federal lands managed by BLM, development of the proposed transmission line would require BLM approving two separate ROW grants, one for the transmission line and one for the fiber optics line. TEP applied to BLM on March 20, 2001, for approval to construct a double circuit 345-kV transmission line across 1.25 mi (2.01 km) of Federal lands approximately 5 mi (8 km) west of Sahuarita, and submitted its application to BLM for the proposed fiber optic facilities on April 14, 2003. The fiber optic permit application is for undefined use outside of TEP internal use, and would be renegotiated if the use changes. In processing the applications, BLM must consider land status, affected resources, resource values, environmental conditions, and the concerns of various interested parties. Complete guidance for implementing the NEPA process within BLM can be found in the *BLM Manual and Handbook 1790-1* (published October 25, 1988) and Departmental guidance (516 DM 1-7). BLM has an existing Resource Management Plan for all bureau properties that designates utility corridors and other uses. TEP's proposed alignment on BLM lands, which is the same for the Western, Central, and Crossover Corridors, is parallel to two existing TEP transmission line ROWs. TEP's proposed 125-ft (38-m) wide ROW is in an area not currently designated as a BLM utility corridor, but is within an area generally opened to ROW development on a case-by-case basis in the existing Phoenix Resource Management Plan. A formal designation as a BLM utility corridor (which would require a Land Use Plan Amendment) is not necessary for approving a ROW for TEP. The lands crossed by the proposed project would need to be designated as a BLM utility corridor at a future date. Currently, there are no plans to take on the action of writing a Plan Amendment. The BLM parcels of land crossed by TEP's proposed alignment are currently identified as suitable for disposal (that is, lands that may be sold) through the state indemnity selection programs or state or private exchange.

In addition to the NEPA process, BLM is required to comply with the FLPMA, and must have the following items completed, which are underway concurrently with the EIS, before issuing a ROD:

- A detailed "Plan of Development" which outlines how the project will be constructed and the impacts to endangered species, cultural sites, and other affected management plans.
- An investigation, with recommendations for mitigation actions, relating to endangered species, cultural sites, and Resource Management Plans.

**USIBWC.** USIBWC has provided its purpose and need as follows:

The purpose and need for USIBWC action is to review plans for construction of the proposed project where it would cross the border between the United States and Mexico and assess whether the effects of the proposed project would be consistent with existing bilateral arrangements between the two countries or would obscure or otherwise impact the international border. Specific USIBWC concerns about the proposed project include evaluating whether there would be adverse impacts on the visibility and permanent placement of the international boundary monuments and markers, whether project-associated structures could limit access to the international boundary monuments and markers, whether the present drainage patterns to and from Mexico would be affected, and whether potential transboundary pollution problems associated with the proposed project are properly addressed to insure that none occur in either country. USIBWC will not approve any construction in the United States that increases, concentrates, or relocates overland drainage flows into either the United States or Mexico. Surface drainage must be handled so that there is no increase of volume, peak runoffs, or flow concentration across the border in either direction. Prior to construction of the selected corridor, TEP would provide to USIBWC, for its approval, copies of any hydrological or hydraulic studies and site-specific drawings for work proposed in the vicinity of the U.S.-Mexico border. This would include review of any structures proposed to be constructed in any drainage courses that cross the border. USIBWC is a cooperating agency in preparation of this EIS, and typically will use information in an EIS in conjunction with review of project studies and plans to prepare a letter of concurrence, if appropriate, to the project proponents (in this case, TEP).

## **PUBLIC PARTICIPATION**

Public participation in the EIS process includes two formal opportunities for input: (1) public scoping period, where interested or potentially affected agencies, organizations, tribes, and members of the public are invited to comment on the appropriate scope or content of the EIS, through comment submittal and public meetings; and (2) Draft EIS comment period, where interested or potentially affected agencies, tribes, organizations, and members of the public are invited to comment on the document and participate in public meetings. Comments received outside of these two formal comment periods are still considered, to the extent practicable. A summary of the public participation process to date for the TEP EIS, including the issues raised and the cooperating agencies' review of these issues follows.

The "Notice of Intent to Prepare an Environmental Impact Statement (EIS) and to Conduct Public Scoping Meetings and Notice of Floodplain and Wetlands Involvement" for the proposed project was published in the *Federal Register* (66 FR 35950) on July 10, 2001. Announcements were also placed in local newspapers. A factsheet translated into Spanish is provided on the proposed project website maintained for DOE ([www.ttclient.com/TEP](http://www.ttclient.com/TEP)). Public scoping meetings were held by DOE on July 30, 2001, at the Rancho Resort in Sahuarita, Arizona, and on July 31, 2001, at the Rio Rico Resort in Rio Rico, Arizona. Both oral and written comments were invited and received at these meetings. A total of 65 individuals presented formal oral comments at the two public scoping meetings. Written scoping comments were also solicited in the announcements. The public comment period was initially to have closed on August 9, 2001, but, in response to requests from the public, it was extended until August 31, 2001. From November 27 to 29, 2001, USFS, BLM, and USIBWC met with DOE to review all scoping comments received to date. As of November 27, 2001, approximately 200 people had submitted formal written scoping comments by letter, email, and postcard campaign. DOE and the cooperating agencies have continued to receive public comments up to the printing of this Draft EIS; the "interested party" mailing list for the project last totaled about 1,500 addresses. In addition to the public participation process, consultations are ongoing with Federal, state, and local resource management and regulatory agencies as well as interested tribal governments. The Crossover Corridor was added for analysis in the EIS based on public and tribal input received during the public scoping period and tribal consultations.